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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 002123

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AF/S FOR S. DELISI AND M. RAYNOR
NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER
LONDON FOR C. GURNEY
PARIS FOR C. NEARY
NAIROBI FOR T. PFLAUMER

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ZI](#) [MDC](#)
SUBJECT: MDC LEADERSHIP ON COURT CASES, TALKS, VIOLENCE

REF: (A) HARARE 2105 (B) HARARE 2094

Classified By: Political Officer Win Dayton under Section 1.5(b)(d)

[11.](#) (C) SUMMARY: MDC President Morgan Tsvangirai and Secretary General Welshman Ncube on October 23 confirmed to

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the Ambassador that court consideration of the party's election petition would commence November 3 and that Tsvangirai's treason trial would be postponed until next

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year. The parties had not made any progress toward talks and Ncube's secret constitutional discussions with Justice Minister Chinamasa were deadlocked on key transitional issues. The South African High Commissioner had indicated to Tsvangirai that President Mbeki was interested in visiting

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Harare within the next two weeks in hopes of stimulating movement by ZANU-PF. The MDC intended to maintain the party's non-violent approach but strong local party chapters could respond to ZANU-PF-instigated violence with force themselves instead of turning to ineffective police. The leadership's comments on MDC problems in the administration of Harare's city council are reported septel. END SUMMARY.

Court Cases

[12.](#) (C) At a lunch at the Residence October 23, Tsvangirai and Ncube advised Ambassador Sullivan that Tsvangirai would accede to the High Court's request that the treason trial's commencement once again be delayed, this time until next year. Its latest starting date had been October 27, and it remains possible that the Court could dispose of the prosecution's application to amend its pleadings (a technical motion unlikely to affect the case's outcome) before the Court adjourned for the year in November.

[13.](#) (C) Tsvangirai confirmed that the MDC's challenge of the presidential election results was slated to begin November 3. A first phase would address legal issues revolving around the constitutionality of the Electoral Act and the Election Supervisory Commission. If the court found for the MDC on the first phase, a new election would have to be held. If not, proceedings would move to a second phase in which the court would examine alleged abuses associated with the election, and rule whether they fatally flawed the election result. A finding for the MDC on the second phase would require a new election. The first phase was expected to last a week but it was unclear how quickly the court would rule on it or, if it found against the MDC, how long the second phase would take.

[14.](#) (C) Ncube reported that the three MDC youths shot in the Harvest House episode October 18 (ref B) had been transferred from the hospital to the jail, where they faced potential unspecified charges. (NOTE: A press report had a police sources earlier indicating they could face attempted murder charges. END NOTE) However, police officials told Ncube recently that senior police levels had ordered a full investigation of the Harvest House incident, complete with forensic tests on Chihota's confiscated weapon, and they expected to arrest Chihota within the next few days. Elaborating on Chihota, Ncube said his lease in Harvest House predated the MDC's acquisition (through an affiliate) of the building. He claimed to be a lawyer but Ncube had never seen evidence of such status. The only time he remembered meeting Chihota when Chihota approached him at a Harare hotel six weeks ago and acted like they knew each other. He speculated that Chihota was mentally disturbed but said nothing about his possible affiliation with security officials, as alleged by MDC Harare Chairman Morgan Femai.

No Progress on Talks

[15.](#) (C) Tsvangirai indicated that the parties were no closer

to recommencing talks. Contacts were being made only "on the periphery," and ZANU-PF had not responded to overtures from Tsvangirai and the bishops to engineer a face-to-face meeting

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between Tsvangirai and Mugabe. He noted that the ZANU-PF had raised the possibility of a national consultative forum that would bring all political parties and broad elements from civil society to address a full range of political, economic, and social problems comprehensively (an idea ZANU-PF Chairman John Nkomo earlier floated by the Ambassador). This was unacceptable to the MDC because it avoided critical ZANU-PF/MDC engagement on resolving the political crisis.

16. (C) Ncube reported that his secret constitutional talks with Justice Minister Patrick Chinamasa continued but seemed at a deadlock over key transitional issues. At their most recent meeting on October 16, little meaningful agreement was reached on four key issues. On election timing under the instrument's transitional provisions, MDC had tried to bridge differences with a proposal to conduct the election between September 2004 and July 2005, at date to be determined by the Independent Electoral Commission. ZANU-PF's response -- elections in 2006 -- represented a regression. Regarding MDC demands for the reopening of The Daily News, ZANU-PF doggedly insisted that the paper's status was not a political issue for discussion and was appropriately left to the courts, which Ncube affirmed it was not, since the ZANU-PF-controlled Government intended to use every means to keep The Daily News shut. As for MDC's call for the disbanding of the National Service/militias, ZANU-PF urged that the parties instead discuss reforming the system by revising curriculum, assuring more open enrollment, etc. The parties had reached tentative agreement on the need to revise POSA and AIPPA. Ncube would draft essential amendments for ZANU-PF consideration but feared that meaningful agreement may yet prove elusive. Ncube was scheduled to meet Chinamasa again on October 28.

17. (C) Tsvangirai and Ncube elaborated on the continuing impact of ZANU-PF's succession crisis as a constraint on talks. A majority within ZANU-PF, even among the highest levels, supported inter-party talks. Nonetheless, Mugabe's posture continued to be decisive, and he gave sway to an increasingly isolated minority that included Chinamasa, Information Minister Jonathon Moyo, and Minister For National Security Nicholas Goche. This minority lacked a base in the party. The factions were completely absorbed in trying to checkmate each other's influence and battling over credit in the public's eye and, most significantly, the boss's. Such dynamics prevented the party from reaching a decision to move forward on talks. Indeed, Presidency Minister John Nkomo some weeks ago had prepared a Mugabe-Tsvangirai meeting that fell away because of internal ZANU-PF opposition.

18. (C) They said they did not expect the situation to change until ZANU-PF resolved the Mugabe succession issue. They dismissed prospects that intra-party elections and the December Party Conference would likely clear obstacles to dialogue. Ncube observed that the intra-party process underway now was quite different from the one in 2000 that yielded John Nkomo's surprise victory over Emmerson Mnangagwa in the race for party chairmanship. At that time the party was relatively unchallenged and consciously was trying to develop internal democratic processes. Soon afterward, the party had reversed course and regressed back into a rigid, centrally directed command structure; the pressure wrought by economic collapse and political crisis only reinforced an unhealthy anti-democratic posture. Honest debate within the party now, much less with the outside, was virtually impossible. As an institution, the party remained unequipped to deal with the challenges of democracy. ZANU-PF's strategy would likely continue to be to hurt the MDC on a sustained basis in an effort to force the MDC to accept whatever ZANU-PF was willing to put on the table, i.e. a junior role in a government of national unity.

19. (C) Tsvangirai reported that South African High Commissioner Ndou advised him that President Mbeki was interested in coming to Zimbabwe within the next two weeks in an effort to shake things loose. He observed that Mbeki was "learning the hard way" how far one can trust Mugabe. Ncube contrasted Mbeki's success with the Congo and Burundi with his ineffectiveness on Zimbabwe. He attributed Mbeki's successes outside to an impartial, even-handed and principled approach he claimed was lacking in his posture toward Zimbabwe. Faced with Mugabe's lies and double-crosses, Mbeki continued to exercise absolutely none of the potential leverage he held.

Inter-party Conflict

10. (C) Tsvangirai was unaware of the recent violence in Redcliff (ref A) but appeared to be upset by it. He reiterated the party's non-violent posture and expressed concern that MDC-initiated violence would only play into the

hands of ZANU-PF's superior force. He assured that violence would not be permitted to get out of hand.

11. (C) Ncube was familiar with the Redcliff events and defended the MDC's actions there. Confirming the account related by MDC MP Malinga (ref A), Ncube said MDC youths had retaliated against ZANU-PF officials seen as responsible for attacks on MDC homes the night before and previously. The party organization in Redcliff was strong and judged that it was time to send a message to ZANU-PF that they would not take aggression lying down, as they had in the past by simply reporting attacks to ineffectual police. This would hopefully make pivotal local ZANU-PF officials more reticent to instigate violence in the future. He indicated that strong party structures in areas like Redcliff may respond to force with force again in the future.

12. (C) Tsvangirai's and Ncube's comments on the MDC's struggles in Harare's fractious politics are related septel.

Comment

13. (C) The MDC leadership's status report reflects a restive political stalemate that is likely to continue into next year. ZANU-PF remains unwilling to move forward on talks and we see little evidence that either the December Party Conference or a visit from Mbeki, if it transpires, would likely shake things loose. The public's absorption with the increasing challenges of everyday life and the security forces' capacity to nip nascent demonstrations in the bud make civil unrest an unlikely prospect at this time. For its part, the MDC has not sought to exploit the ever-deteriorating economic situation and provocations like The Daily New closing and ZCTU and NCA crackdowns beyond critical press statements. For now, the MDC must content itself with a largely reactive posture, although it is responding to the challenging media environment by actively refurbishing its grassroots organization. Tsvangirai spent the last two weeks meeting with local leaders and addressing rallies in Masvingo, Beitbridge, Gwanda, and Mutare, the last of which reportedly attracted 25,000.

SULLIVAN